

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

THOMAS CUSHMAN, Individually and  
On Behalf of All Others Similarly Situated,

Plaintiff,

v.

FORTRESS BIOTECH, INC., LINDSAY A.  
ROSENWALD, and ROBYN M. HUNTER,

Defendants.

Case No. 1:20-cv-05767-KAM-RLM

**NOTICE OF VOLUNTARY DISMISSAL  
WITHOUT PREJUDICE**

**TO: ALL PARTIES AND THEIR COUNSEL OF RECORD**

WHEREAS, no defendant in the above-captioned action, *Cushman, et al v. Fortress Biotech, Inc., et al.*, 1:20-cv-05767-KAM-RLM, brought before the United States District Court for the Eastern District of New York, has served an answer or motion for summary judgment;

NOTICE IS HEREBY GIVEN that, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A), plaintiffs Thomas Cushman, Yasser Abed, and Evay Avbenake hereby voluntarily dismiss the above-captioned action, without prejudice, as to all defendants. All parties will bear their own costs and fees.

Dated: June 23, 2021

Respectfully submitted,

**POMERANTZ LLP**

/s/ Matthew L. Tuccillo

Jeremy A. Lieberman  
Matthew L. Tuccillo  
J. Alexander Hood II  
Jennifer Banner Sobers  
600 Third Avenue, 20th Floor  
New York, NY 10016  
Telephone: (212) 661-1100  
Facsimile: (212) 661-8665

Email: jalieberman@pomlaw.com  
mltuccillo@pomlaw.com  
ahood@pomlaw.com  
jbsobers@pomlaw.com

*Counsel for Plaintiff*